

Danner, Ward

From: Wedell, Kelly
Sent: Monday, August 25, 2014 5:14 PM
To: Armann, Steve; Huetteman, Tom
Subject: FW: Independent Study Rules for SMMUSD

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Green Category

Just an FYI; nothing needs to be responded to.

Kelly Wedell

Project Officer
Planning and State Development Office
US EPA Region 9

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75 Hawthorne St., LND-1-1
San Francisco, CA 94105

From: Campopiano, Jorine
Sent: Monday, August 25, 2014 5:10 PM
To: Wedell, Kelly
Cc: Priselac, Adrienne
Subject: FW: Independent Study Rules for SMMUSD

Hi Kelly – FYI – I received this from DTSC last week – inquiry to CDE from a parent concerned about their child returning to school at Malibu.

Jorine Campopiano
Schools Environmental Health Coordinator
US EPA Region 9
600 Wilshire Blvd, Suite 1460
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213-244-1808 (w)
campopiano.jorine@epa.gov

From: Gillette, Maria@DTSC [<mailto:Maria.Gillette@dtsc.ca.gov>]
Sent: Friday, August 22, 2014 1:59 PM
To: Campopiano, Jorine
Subject: FW: Independent Study Rules for SMMUSD

Hi Jorine,

This is interesting information that was forwarded to me by a parent in the Malibu School District.

From: Jude Brown [<mailto:judebrownusa@gmail.com>]
Sent: Friday, August 22, 2014 11:45 AM
To: Gillette, Maria@DTSC
Subject: Fwd: Independent Study Rules for SMMUSD

Begin forwarded message:

From: Jude Brown <judebrownusa@gmail.com>
Subject: Fwd: Independent Study Rules for SMMUSD
Date: August 22, 2014 at 11:03:30 AM PDT
To: "DENICOLA, Jennifer" <jd18@me.com>, Matt deNicola <matt@malibugroupllc.com>

Hi Jen and Matt,

Thank you so much for your time yesterday. As promised, here is my correspondence with CDE. I also had telephone conversations with them.

Jude

Begin forwarded message:

From: David Kopperud <DKopperud@cde.ca.gov>
Subject: RE: Independent Study Rules for SMMUSD
Date: July 30, 2014 at 4:22:56 PM PDT
To: Jude Brown <judebrownusa@gmail.com>

Dear Jude,

Many school districts offer Independent Study, but some do not. The decision is made by the local governing board of the school district. While it may be true that the governing board of the school district has not approved the use of Independent Study in the past, you are describing a unique situation and the governing board could decide that Independent Study is a good option in the present situation. I have provided the state laws for Independent Study in case the governing board of your district decides to offer that option.

You also have the choice of applying for an interdistrict transfer, and you have the right to appeal an interdistrict transfer decision to the county board of education if you are denied. I have also provided the laws for interdistrict transfers below.

California also has adopted laws for a comprehensive school safety planning process with public meetings to ensure safe schools. I have also provided those school safety planning laws in this e-mail.

Independent Study

The legislation authorizing Independent Study was enacted in 1976, and originally was designed to serve child actors, aspiring Olympic athletes, and other students whose schedules precluded regular classroom attendance. Over the years, Independent Study has evolved to serve a wide range of students with different reasons for preferring Independent Study.

Independent Study (California Education Code [EC] sections 51745–51749.3) is provided as an alternative instructional strategy, not an alternative curriculum. Independent Study students work independently, according to a written agreement and under the general supervision of a credentialed teacher or teachers. While Independent Study students follow the district-adopted curriculum, Independent Study offers flexibility to meet individual student needs, interests, and styles of learning. In your case, Independent Study would be a temporary solution while the work on school facilities takes place.

Below are the state laws for Independent Study which the district must follow if the governing board decides to offer Independent Study to meet the needs of students under the present circumstances:

51745.

(a) Commencing with the 1990–91 school year, the governing board of a school district or a county office of education may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.

(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of his or her children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

(Amended by Stats. 2012, Ch. 175, Sec. 1. Effective January 1, 2013.)

51745.6.

(a) (1) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, for the applicable grade span, calculated as specified by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the school district for the applicable grade span, unless a new higher or lower grade span ratio for all other educational programs offered within the respective grade span is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative grade span ratio for the applicable grade span. The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, for the applicable grade span, to be calculated in a manner prescribed by the department, shall not exceed the equivalent ratio of pupils to full-time certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county for the applicable grade span, unless a new higher or lower grade span ratio for all other educational programs offered within the respective grade span is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative grade span ratio for the applicable grade span. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(2) For purposes of this section, the following grade spans shall apply:

(A) Kindergarten and grades 1 to 3, inclusive.

(B) Grades 4 to 6, inclusive.

(C) Grades 7 to 8, inclusive.

(D) Grades 9 to 12, inclusive.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the applicable grade span ratios described in subdivision (a) shall be eligible for apportionment pursuant to Section 2575, for county offices of education, and Section 42238.05, for school districts. Nothing in this section shall prevent a school district or county office of education from serving additional units of average daily attendance greater than the applicable grade span ratios described in subdivision (a), except that those additional units shall not be funded pursuant to Section 2575 or 42238.05, as applicable. If a school district, charter school, or county office of education has a memorandum of understanding to provide instruction in coordination with the school district, charter school, or county office of education at which a pupil is enrolled, then the applicable grade span ratios that shall apply for purposes of this paragraph are the ratios for the local educational agency providing the independent study program to the pupil pursuant to Section 51749.5.

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24.

(d) The applicable pupils-to-certificated-employee grade span ratios described in subdivision (a) may, in a charter school, be calculated by using a fixed pupils-to-certificated-employee ratio of 25 to 1, or by being a ratio of less than 25 pupils per certificated employee. All charter school pupils, regardless of age, shall be included in the applicable pupil-to-certificated-employee grade span ratio calculations. (Amended by Stats. 2014, Ch. 32, Sec. 35. Effective June 20, 2014.)

51746.

It is the intent of the Legislature that school districts and county offices of education offering independent study shall provide appropriate existing services and resources to enable pupils to complete their independent study successfully and shall ensure the same access to all existing services and resources in the school in which the pupil is enrolled pursuant to Section 51748 as is available to all other pupils in the school. In addition, the services and resources may include, but need not be limited to, any of the following:

(a) A designated learning center or study area staffed by appropriately trained personnel.

(b) The services of qualified personnel to assess the achievement, abilities, interests, aptitudes, and needs of participating pupils to determine each of the following:

(1) Whether full-time independent study is the most appropriate alternative for the pupil being referred.

(2) If the answer to paragraph (1) is affirmative, the determination of the most appropriate individualized plan and resources to be made available to pupils enrolled in full-time independent study.

(Repealed and added by Stats. 1989, Ch. 1089, Sec. 5. Operative July 1, 1990, pursuant to Section 51749.5 as added by Ch. 1089 (later repealed).)

51747.

A school district or county office of education shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(c) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:

- (1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress.
- (2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.
- (3) The specific resources, including materials and personnel, that will be made available to the pupil.
- (4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.
- (5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.
- (6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.
- (7) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.
- (8) (A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.
- (B) A signed written agreement may be maintained on file electronically.
(Amended by Stats. 2014, Ch. 32, Sec. 36. Effective June 20, 2014.)

51747.3.

(a) Notwithstanding any other provision of law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) Notwithstanding paragraph (1) of subdivision (d) of Section 47605 or any other provision of law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of

the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(c) The Superintendent of Public Instruction shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(d) In conformity with Provisions 25 and 28 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the State Board of Education, by the State Superintendent of Public Instruction, or under any provision of Part 26.8 (commencing with Section 47600).

(Amended by Stats. 2003, Ch. 529, Sec. 4. Effective September 25, 2003. Operative, by Sec. 6 of Ch. 529, on March 5, 2004, when Stats. 2004, Ch. 21 (AB 97) took effect.)

51747.5.

(a) The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the school district, charter school, or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.

(b) School districts, charter schools, and county offices of education may claim apportionment credit for independent study only to the extent of the time value of pupil work products, as personally judged in each instance by a certificated teacher.

(c) For purposes of this section, school districts, charter schools, and county offices of education shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.

(Amended by Stats. 2014, Ch. 32, Sec. 37. Effective June 20, 2014.)

51748.

School districts and county offices of education shall not be eligible to receive apportionment for independent study attendance by any pupil who is not otherwise identified in the written records of the district or county board by grade level, program placement, and the school in which he or she is enrolled.

(Added by Stats. 1989, Ch. 1089, Sec. 5. Operative July 1, 1990, pursuant to Section 51749.5 as added by Ch. 1089 (later repealed).)

I would be glad to answer any questions you have about the above laws for Independent Study. The education programs consultant for Independent Study here at the California Department of Education is Dan Sackheim. He may be contact by phone at 916-445-5595 or dsackhei@cde.ca.gov

Interdistrict Transfer Option

You do also have the option of applying for an interdistrict transfer if the governing board of the district does not offer Independent Study, or you could enroll your children in an Independent Study charter school. The California Department of Education provides a directory of charter schools in your area.

The law for agreements for interdistrict attendance and individual permits verifying approval are found in *Education Code* Section 46601:

46600.

(a) (1) The governing boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the districts. The agreement may provide for the admission to a district other than the district of residence of a pupil who requests a permit to attend a school district that is a party to the agreement and that maintains schools and classes in kindergarten or any of grades 1 to 12, inclusive, to which the pupil requests admission. Once a pupil in kindergarten or any of grades 1 to 12, inclusive, is enrolled in a school pursuant to this chapter, the pupil shall not have to reapply for an interdistrict transfer, and the governing board of the school district of enrollment shall allow the pupil to continue to attend the school in which he or she is enrolled, except as specified in paragraphs (2) and (4).

(2) The agreement shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. The agreement may contain standards for reapplication agreed to by the district of residence and the district of attendance that differ from the requirements prescribed by paragraph (1). The agreement may stipulate terms and conditions established by the district of residence and the district of enrollment under which the permit may be revoked.

(3) The supervisor of attendance of the district of residence shall issue an individual permit verifying the district's approval, pursuant to policies of the governing board and terms of the agreement for the transfer. A permit shall be valid upon concurring endorsement by the designee of the governing board of the district of proposed attendance. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the district of attendance.

(4) Notwithstanding paragraph (2), a school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

(b) A pupil who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the district of residence shall, at the request of the person having legal custody of the pupil, be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement.

(c) In addition to the requirements of subdivision (e) of Section 48915.1, and regardless of whether an agreement exists or a permit is issued pursuant to this section, any district may admit a pupil expelled from another district in which the pupil continues to reside.

(Amended by Stats. 2011, Ch. 732, Sec. 5. Effective January 1, 2012. Operative July 1, 2012, by Sec. 8 of Ch. 732.)

If the district was to deny your request for an interdistrict transfer, you could appeal to the county board of education pursuant to *Education Code* Section 46601:

46601.

(a) If, within 30 calendar days after the person having legal custody of a pupil has so requested, the governing board of either school district fails to approve interdistrict attendance in the current term, or, in the absence of an agreement between the districts, fails or refuses to enter into an agreement, the district denying the permit, or, in the absence of an agreement, the district of residence, shall advise the person requesting the permit of the right to appeal to the county board of education.

(b) If, within 14 calendar days after the commencement of instruction in a new term in each of the school districts, respectively, when the person having legal custody of a pupil has so requested separately of each district not later than 30 calendar days prior to the commencement of instruction in that term in that district, the governing board of either district fails to approve interdistrict attendance in that term, or, in the absence of an agreement between the districts to permit that attendance, fails or refuses to enter an agreement, the district denying the permit, or, in the absence of an agreement, the district of residence, shall advise the person requesting the permit of the right to appeal to the county board of education.

(c) Notifying districts shall also, in all instances, advise persons making unsuccessful requests for interdistrict attendance of all of the following:

(1) The person having legal custody may appeal, within 30 calendar days of the failure or refusal to issue a permit, or to enter into an agreement allowing the attendance, to the county board of education having jurisdiction over the district of residence of the parent or legal guardian or person having legal custody. Failure to appeal within the required time is good cause for denial of an appeal. An appeal shall be accepted only upon verification by the county board's designee that appeals within the districts have been exhausted. If new evidence or grounds for the request are introduced, the county board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.

(2) (A) (i) The county board of education shall, unless clause (ii) is applicable, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.

(ii) The county board of education in a class 1 or class 2 county shall, within 40 schooldays after the appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.

(B) In the event that compliance by the county board within the time requirement for determining whether the pupil should be permitted to attend in the district in which the pupil desires to attend is impractical, the county board or the county superintendent of schools, for good cause, may extend the time period for up to an additional five school days. The county shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on the matter pursuant to rules and regulations adopted by the county board of education in accordance with this chapter. The county board rules may provide for the granting of continuances upon a showing of good cause. The county board of education shall render a decision within three schooldays of any hearing conducted by the board unless the person who filed the appeal requests a postponement.

(C) In a class 1 or class 2 county, the county board rules may provide for any hearing pursuant to this section to be conducted by a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, or by an impartial administrative panel of three or more certificated persons appointed by the county board of education. Section 27722 of the Government Code is applicable to a hearing by any impartial administrative panel and, for purposes of this section, the term "hearing officer" in Section 27722 of the Government Code includes an impartial administrative panel. No member of the impartial administrative panel shall be a member of the county board of education, nor be employed by the school district of residence or the district of desired attendance.

(D) The definitions of “class 1 county” and “class 2 county” in subdivision (e) of Section 48919.5 apply to this section. If the hearing officer is not authorized to decide whether the pupil should be permitted to attend in the district in which the pupil desires to attend, the county board of education, within 10 days of receiving the recommended decision pursuant to subdivision (b) of Section 27722 of the Government Code, shall render a decision.

(3) The county supervisor of attendance, or other designee of the county superintendent of schools, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the county board in reaching a decision.

(4) If the interdistrict attendance involves school districts located in different counties, the county board of education having jurisdiction over the district denying a permit, or refusing or failing to enter into an agreement to allow for the issuance of a permit, shall have jurisdiction for purposes of an appeal. If both districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the county board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal and, upon granting a pupil’s appeal, shall seek concurrence in the decision by the county board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the pupil’s appeal shall be denied.

(5) Pupils who are under consideration for expulsion, or who have been expelled pursuant to Sections 48915 and 48918, may not appeal interdistrict attendance denials or recisions while expulsion proceedings are pending, or during the term of the expulsion.

(d) This section shall become inoperative on July 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

(Amended by Stats. 2011, Ch. 87, Sec. 2. Effective January 1, 2012. Inoperative July 1, 2015. Repealed as of January 1, 2016, by its own provisions. See later operative version added by Sec. 3 of Ch. 87.)

If the county board of education determined that your children should be permitted to attend in the district you preferred, the children would be admitted without delay pursuant to *Education Code* Section 46602:

46602.

If the county board of education determines that the pupil should be permitted to attend in the district in which he or she desires to attend, the pupil shall be admitted to school in the district without delay and the attendance may be counted by the district of attendance for revenue limit and state apportionment purposes.

Written notice of the decision by the county board of education shall be delivered to the pupil and the parent or guardian, or person having custody of him or her, and to the governing boards of the districts.

(Added by renumbering Section 46604 by Stats. 1986, Ch. 742, Sec. 5.)

It is also possible that the governing board of the district you prefer could provisionally admit your children for a period not to exceed two school months, pending a decision of the two boards, or by the county board of education upon appeal pursuant to *Education Code* Section 46603:

46603.

For a period not to exceed two school months, the governing board of a school district may provisionally admit to the schools of the district a pupil who resides in another district, pending a decision of the two boards, or by the county board of education upon appeal, regarding the interdistrict attendance.

Regardless of whether the decision on interdistrict attendance is allowed, the provisional attendance may be counted by the district of attendance for revenue limit and state apportionment purposes. (Repealed and added by Stats. 1986, Ch. 742, Sec. 7.)

Please feel free to contact me again if you have any questions about these laws for an interdistrict transfer.

Mandated Comprehensive Safe School Planning Process for Every School

You might also want to check your school's comprehensive school safety plan that was approved on March 1 of the previous school year to see if any provisions were made for the release of toxic substances. Every year each school reviews and updates its comprehensive school safety plan at a meeting pursuant to *Education Code* Section 32288 to ensure compliance with the school safety plan process and to allow members of the public to express an opinion about the school safety plan:

32288.

(a) In order to ensure compliance with this article, each school shall forward its comprehensive school safety plan to the school district or county office of education for approval.

(b) (1) Before adopting its comprehensive school safety plan, the schoolsite council or school safety planning committee shall hold a public meeting at the schoolsite in order to allow members of the public the opportunity to express an opinion about the school safety plan.

(2) The schoolsite council or school safety planning committee shall notify, in writing, the following persons and entities, if available, of the public meeting:

(A) The local mayor.

(B) A representative of the local school employee organization.

(C) A representative of each parent organization at the schoolsite, including the parent teacher association and parent teacher clubs.

(D) A representative of each teacher organization at the schoolsite.

(E) A representative of the student body government.

(F) All persons who have indicated they want to be notified.

(3) The schoolsite council or school safety planning committee is encouraged to notify, in writing, the following persons and entities, if available, of the public meeting:

(A) A representative of the local churches.

(B) Local civic leaders.

(C) Local business organizations.

(c) In order to ensure compliance with this article, each school district or county office of education shall annually notify the State Department of Education by October 15 of any schools that have not complied with Section 32281.

(Added by renumbering Section 35294.8 by Stats. 2003, Ch. 828, Sec. 20. Effective January 1, 2004.)

The comprehensive school safety plan may include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of toxic substances:

32284.

The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

(Added by renumbering Section 35294.4 by Stats. 2003, Ch. 828, Sec. 16. Effective January 1, 2004.)

Complaints of noncompliance with school safety planning requirements may be filed using the Uniform Complaint Procedures as set forth in Title 5 of the California Code of Regulations pursuant to *Education Code* Section 32289:

32289.

A complaint of noncompliance with the school safety planning requirements of Title IV of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 7114 (d)(7)) may be filed with the department under the Uniform Complaint Procedures as set forth in Chapter 5.1 (commencing with Sections 4600) of Title 5 of the California Code of Regulations.

(Added by renumbering Section 35294.95 by Stats. 2004, Ch. 896, Sec. 29. Effective September 29, 2004. See the similar Section 32289 added by Stats. 2004, Ch. 272. Note: Stats. 2004, Ch. 272, purported to repeal this section, but Ch. 896 had already renumbered it.)

If you have any questions about California's laws for comprehensive school safety plans, you may contact Stephanie Papas by phone at 916-445-8441 or by e-mail at spapas@cde.ca.gov

I will be at the annual Safe Schools Conference at the Crowne Plaza Anaheim Resort in Garden Grove tomorrow, but I will be back at the California Department of Education on Friday.

Please let me know if you have any other questions.



David Kopperud
Education Programs Consultant
Educational Options, Student Support, and American Indian Education Office
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814
916-323-1028



From: Jude Brown [<mailto:judebrownusa@gmail.com>]
Sent: Wednesday, July 30, 2014 2:52 PM
To: David Kopperud
Subject: Fwd: Independent Study Rules for SMMUSD

Dear David,

Michael O'Neill has forwarded your information to me as the best person to speak to regarding Independent Study for my daughter (going into First Grade this Fall). She is currently enrolled at Juan Cabrillo Elementary school and we are in the SMMUSD.

I'm not sure if you are aware of the situation in Malibu. In short: PCB's and other toxins have been found in the soil and in caulking in the classrooms. SMMUSD are currently (supposedly) investigating and remediating the campuses. SMMUSD have employed the firm ENVIRON who are working with the USEPA and DTSC to comply with State and Federal remediation guidelines. DTSC soil samples results are not yet in (I have been in close contact with the agency) and ENVIRON's second remediation plan submitted to EPA has yet to be accepted (the first plan was rejected by EPA as inadequate). Despite these two facts, the District is claiming that the schools are completely safe. Many parents simply do not believe this is the case. I have a list in excess of 50 children who will not be returning these schools until we feel the campuses are completely safe.

We are seeking **temporary** solutions for our children to study at home while the schools are adequately remediated. Juan Cabrillo Elementary School have told us that Independent Study is not an option for elementary students. Our neighboring district - Las Virgines - has a comprehensive Independent Study

program, as well as a Home School program (see their website: http://www.lvusd.org/index.php?option=com_content&view=article&id=98&Itemid=168). I'm seeking guidance on what the Board of Education's stance on Independent Study is for our district, given the extenuating circumstances.

Furthermore, if Independent Study is not an option - are we able to transfer our children out of the SSMUSD and into Las Virgines?

I'd love to discuss this with you further by telephone, if appropriate.

Many thanks,

Jude Brown
310.457.1626

Begin forwarded message:

From: Michael O'Neill <MO'Neill@cde.ca.gov>
Subject: RE: Independent Study Rules for SMMUSD
Date: July 30, 2014 at 1:57:10 PM PDT
To: Jude Brown <judebrownusa@gmail.com>

Jude,

The best person to talk to at CDE regarding Independent Study is

David Kopperud
Phone: 916-323-1028
E-Mail: DKopperud@cde.ca.gov

Michael

From: Jude Brown [<mailto:judebrownusa@gmail.com>]
Sent: Wednesday, July 30, 2014 1:25 PM
To: Michael O'Neill
Subject: Independent Study Rules for SMMUSD

Dear Michael,

Further to our conversation I would be most grateful if you could put me in touch with the right person to talk to re: rules for Independent Study in my district (SMMUSD). As we discussed, there is huge concern in our community (Malibu) that our schools will not be safe for our children to return to come August 19th. We are seeking **temporary** solutions for our children to study at home while the schools are adequately remediated. Juan Cabrillo Elementary School have told us that Independent Study is not an option for elementary students. Our neighboring district - Las Virgines - has a comprehensive Independent Study program, as well as a Home School program (see their website: http://www.lvusd.org/index.php?option=com_content&view=article&id=98&Itemid=168). I'm seeking guidance on what the Board of Education's stance on Independent Study is for our district, given the extenuating circumstances.

Many thanks again for your help.

Kind regards,

Jude Brown